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EXAMINER

HOFFMAN, BRANDON S

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/722,822
Filing Date: November 25, 2003
Appellant(s): RAIKAR, AMIT

John P. Wagner, Jr. (U.S. Reg. No 35,398)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 18, 2008, appealing from the Office action mailed December 19, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020154776

Sowa et al.

10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Sowa et al. (U.S. Patent Pub. No. 2002/0154776).

Regarding claims 1 and 18, Sowa et al. teaches a method/computer readable medium for establishing secure group-based communication comprising:

- Distributing a first set of keys to a plurality of hosts for encrypting communication and for source authentication of group-based communication between said plurality of hosts (paragraph 0044); and
- Distributing a second set of keys to said plurality of hosts for dynamically modifying said first set of keys (paragraph 0045).

Regarding claims 2 and 19, Sowa et al. teaches further comprising distributing said second set of keys wherein a unique set of keys are distributed to each of said plurality of hosts (paragraph 0038).

Regarding claims 3 and 20, Sowa et al. teaches further comprising distributing said second set of keys wherein each of said plurality of hosts receives a unique key for each of said plurality of hosts except for itself (paragraph 0034).

Regarding claims 4, 15, and 21, Sowa et al. teaches further comprising communicating between said hosts in a utility data center communications environment (fig. 7).

Regarding claims 5, 16, and 22, Sowa et al. teaches further comprising authenticating a communication source from a host level (fig. 7).

Regarding claims 6, 17, and 23, Sowa et al. teaches further comprising authenticating a communication source from an application level (fig. 6).

Regarding claims 7, 11, and 24, Sowa et al. teaches further comprising adding a new host to said plurality of hosts and dynamically modifying said first set of keys in response to adding said new host (paragraph 0114).

Regarding claims 8, 13, and 25, Sowa et al. teaches in response to removing one of said plurality of hosts, dynamically modifying said first set of keys (paragraph 0115).

Regarding claims 9 and 26, Sowa et al. teaches further comprising dynamically modifying said first set of keys at regular intervals with said second set of keys (page 4, table 2).

Regarding claim 10, Sowa et al. teaches a method for establishing a secure group-based communication environment between a plurality of hosts comprising:

- Distributing a first set of keys to each of said plurality of hosts for encrypting communication between said hosts and for authenticating a source of communication between said plurality of hosts (paragraph 0044);
- Distributing a subset of said first set of keys to each of said plurality of hosts for validating said source of communication between said plurality of hosts (fig. 4, ref. num 115 and 117); and
- Distributing a second set of keys to each of said plurality of hosts for dynamically modifying said first set of keys and said subset of said first set of keys (paragraph 0045).

Regarding claim 12, Sowa et al. teaches further comprising dynamically modifying said first set of keys and said subset of said first set of keys with a third set of keys generated in response to adding said new host (paragraph 0114).

Regarding claim 14, Sowa et al. teaches further comprising dynamically modifying said first set of keys and said subset of said first set of keys with a third set of

keys generated in response to removing said host from said plurality of hosts (paragraph 0115).

(10) Response to Argument

Appellant argues:

- a. Sowa et al. does not teach distributing a first set of keys to a plurality of hosts for encrypting communication and for source authentication of **group-based communication** between said plurality of hosts (page 10).

Regarding argument (a), examiner disagrees with appellant. Appellant argues that the CCK of Sowa cannot teach group-based communication because paragraph 0044 of Sowa says that "the CCK has no relation to a particular talkgroup." The very next sentence of the same paragraph goes on to say:

"the CCK is geographically specific, i.e., the CCK serves all units within a given location area. The location area as defined in the TETRA standard may be as small as a site or as big as an entire system. Each unit within a location area uses the same CCK. Group communications in the outbound direction use CCK when there is no GCK/MGCK available for that group call."

Clearly this shows the CCK being used for group-based communications, that is, communications within a geographically defined group or location.

- b. Sowa et al. does not teach distributing a second set of keys to said plurality of hosts for **dynamically modifying said first set of keys** (page 11).

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Regarding argument (b), examiner disagrees with appellant. Table 2, paragraph 0101 and figure 14 of Sowa et al., shows the CCK being rekeyed (or replaced) and how the process takes place. Specifically, new CCK's are distributed that replace the old CCK's.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brandon Hoffman

/Brandon S Hoffman/

Examiner, Art Unit 2136

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